



**State of New Hampshire**  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**  
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY**  
**WET 2004-01**

January 29, 2004

Richard A Fox, Jr.  
PO Box 1032  
Nashua, NH 03061

RE: DES Wetlands File #2002-02381 Barndoor Island, Alton

Dear Mr. Fox:

On June 23, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Alton Tax Map 80 as Lot 2 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. Approximately 315 square feet of associated fill consisting of concrete, rocks, old shingles, bark mulch and other debris had been deposited on the Property adjacent to and in Lake Winnepesaukee without a permit.
2. A concrete wall measuring approximately 16 feet long has been constructed within the bank of Lake Winnepesaukee without a permit.
3. DES did not locate any sign of erosion that might impact an existing septic line, as you mentioned in a letter dated November 19, 2002

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES, along with the location of the septic line and documented proof of shoreline erosion for review and approval. Have the restoration plan prepared by a licensed surveyor or engineer, and include provisions for the installation of adequate erosion controls, removal of the wall and fill, and the stabilization of the shoreline on the Property. Include an After-the-Fact application to retain any associated fill necessary to ensure septic stability. Submit the following with the restoration plan:
  - a. A plan with dimensions, drawn to scale, showing:
    1. Existing conditions, with wetland and surface water boundaries, including the

location of the septic line; and

2. Any temporary impacts associated with the restoration work; and

3. Proposed conditions after reestablishing the jurisdictional areas;

b. A detailed description of the proposed means of erosion control (silt fence, hay bales, turbidity curtains, etc), construction access, and stabilization of the restoration area;

c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);

d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.

e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

2. Retain a licensed surveyor or engineer to supervise the implementation of the restoration plan and to submit the restoration progress reports.

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jared A. Teutsch, Shoreline Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jared Teutsch at (603) 271-4188.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Collis G. Adams', is written over a large, bold, black 'COPY' stamp.

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7000 1670 0000 0585 5031

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit ✓  
Alton Conservation Commission  
Alton Board of Selectmen  
USACOE